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April 2, 2009

BY HAND AND ELECTRONIC CASE FILING

Honorable Ramon E. Reyes, Jr.
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Eric Butler and Julian Tzolov,
08-CR-370 (JBW) (RER, Jr.)

Dear Judge Reyes:

We represent the defendant, Eric Butler, in the above matter. Benjamin Brafman, counsel to the defendant Julian Tzolov, joins us in this submission.

Consistent with Your Honor's order issued at today's hearing, we hereby submit a proposed order directing ST Microelectronics NV and Roche International Ltd. to accept service of the Rule 17(c) subpoenas endorsed by Judge Weinstein on January 29, 2009¹. As Your Honor suggested, we have narrowed the original subpoena and enclose herewith as Exhibit A the modified subpoenas to each entity. We hereby request that the Court endorse these limited versions of the original subpoenas which were previously reviewed and endorsed by Judge Weinstein. Exhibit B to this letter contains a "redline" of the subpoena attachments identifying the changes we have made in order to narrow the subpoenas. Specifically, we have significantly limited the relevant time frame (in the case of Roche, the request now spans from September 1, 2006 through September 7, 2007 and in the case of ST Microelectronics, the request now spans from April 2006 through September 7, 2007). In addition, because we have received discovery from both the government and Credit Suisse relating to communications between Credit Suisse employees and each entity, we have eliminated those requests to each entity. Thus, with respect to communications, we now only seek internal communications that address the

¹We have not yet been advised whether the government obtained permission to release the identity of Roche's counsel in the United States and thus have not been able to identify that person or firm in the proposed order.

EMMET, MARVIN & MARTIN, LLP

purchase of auction rate securities from Credit Suisse, and the relationship with CCMG or the defendants.

Finally, we have added one very limited category to each subpoena. In the case of Roche, we have requested those documents that we previously requested from UBS ("trade confirmations, account statements and any other communications from Roche's custodian bank, UBS AG, relating to Roche's transactions in auction rate securities with Credit Suisse") as we know that the Letters Rogatory process can take up to a year to complete, and as Your Honor is aware, we have a firm trial date of April 27, 2009. With respect to ST Microelectronics, we now seek transcripts of all proceedings relating to the FINRA arbitration captioned ST Microelectronics N.V. v. Credit Suisse Securities (USA) LLC, FINRA Arb. No. 08-00512. As discussed, we are aware that ST Microelectronics has already produced this material to the government and it is clearly relevant, admissible and specific within the Nixon standard, and is neither burdensome nor oppressive under Fed.R.Crim.Pro 17(c). In addition, we have added one individual from ST Microelectronics to our internal e-mail request (Request 8): Gerard Rondouin. Mr. Rondouin was ST Microelectronics' Financial Controller during the relevant period, and it was he who requested and received audit confirmations of ST Microelectronics' investments in auction rate securities with Credit Suisse. We became aware of Mr. Rondouin's request for these confirmations through our recent e-mail review of discovery.

Should the Court have any questions, we stand ready to assist. We thank the Court for its courtesy in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Paul Weinstein', with a stylized, flowing script.

Paul Weinstein

EXHIBIT A

AO89 (Rev. 7/95) Subpoena in a Criminal Case

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

JULIAN TZOLOV and ERIC BUTLER

SUBPOENA IN A
CRIMINAL CASE

Case Number: 08-370 (S-2) (JBW)

TO:

Roche International Ltd.

- ☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below, or any subsequent place, date and time set by the court, to testify in the above referenced case. This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

PLACE	COURTROOM
United States District Court 225 Cadman Plaza East Brooklyn, New York 11210	10B S
	DATE AND TIME

- ☐ YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):

Please provide the documents and material set forth on the Subpoena Attachment, annexed hereto and incorporated herein.

So Ordered:

Ramon E. Reyes
United States District Judge

U.S. MAGISTRATE JUDGE OR CLERK OF COURT

ROBERT C. HEINEMANN

(By) Deputy Clerk

Bernard Chin

DATE

April 2, 2009

ATTORNEY'S NAME, ADDRESS AND PHONE NUMBER:

Paul T. Weinstein, Esq.
Emmet, Marvin & Martin, LLP
120 Broadway - 32nd Floor, New York, N.Y. 10271 Tel. (212) 238-3090

SUBPOENA ATTACHMENT – ROCHE INTERNATIONAL LTD.

A. Definitions

1. The term “document(s)” is defined to include, but not be limited to, all physical forms of correspondence, letters, transcripts, e-mails, minutes, telegrams, cables, tapes, recordings, films, memoranda, work papers, notes, drafts, press releases, diaries, statements, evaluations, ledgers, journals, notices, and any other writings, regardless of by whom prepared or to whom addressed and regardless of whether the document is an original or a copy or whether sent or received. The term “document(s)” shall also include any other form of reporting, storing, maintaining or indexing information including, but not limited to, electronic, computer, magnetic, microfilm or microfiche storage, shorthand notes, diagrams, magnetic cards, and all other forms of storage. Documents should be produced in the form in which they were maintained in the ordinary course of business.
2. Credit Suisse Securities (USA) LLC (“Credit Suisse”) is defined to include this entity’s employees, agents, attorneys, accountants, officers, directors, administrators, executors, parents, subsidiaries, affiliates, predecessors, successors, representatives, assigns and/or all persons or entities representing and/or purporting to act on behalf of this entity.
3. Credit Suisse Corporate Cash Management Group (“CCMG”) is defined as Eric Butler, Julian Tzolov, Jon Anderson, Leor Ceder, Christopher Ferguson, Justin Madden, Melinda Peacock, Sean Peck, Elliott Pool and Dolly Yuen, and any other Credit Suisse employee working with any of these individuals soliciting, buying or selling securities between November 1, 2003 and January 1, 2008.
4. UBS AG (“UBS”) is defined to include this entity’s employees, agents, attorneys, accountants, officers, directors, administrators, executors, parents, subsidiaries, affiliates, predecessors, successors, representatives, assigns and/or all persons or entities representing and/or purporting to act on behalf of this entity.
5. Roche International Ltd. (a subsidiary of Roche Holding, and which, together with Roche International Ltd., is referred to herein as “Roche”) (collectively, “Roche” or “the Client”) is defined to include this entity’s employees, agents, attorneys, accountants, officers, directors, administrators, executors, parents, subsidiaries, affiliates, predecessors, successors, representatives, assigns and/or all persons or entities representing and/or purporting to act on behalf of this entity.

B. Items Requested

The documents sought in this Subpoena are, unless otherwise noted, for the period September 1, 2006 through September 7, 2007, in original electronic form, where applicable:

- 1.
2. All documents constituting communications regarding the Client's business with CCMG, or relationship with Eric Butler or Julian Tzolov, including but not limited to records maintained by any department, group, committee or individual tasked with compliance, treasury, public relations or investment responsibilities for the Client, and including:
 - (a) all email showing receipt, review or consideration by the Client of the following documents, sent by or on behalf of Credit Suisse, identifying certain Auction Rate Securities ("ARS"):
 - (i) ARS auction rate calendars;
 - (ii) ARS inventory reports;
 - (iii) email confirmations of the purchase or sale of ARS;
 - (iv) official confirmations of the purchase or sale of ARS;
 - (v) Advent Reports setting out the Client's monthly transactions;
 - (vi) Official monthly statements of the Client's transactions; and
 - (vii) Prospectuses for ARS;
 - (b) all email between the Client's employees, or between a Client employee and a third party (i.e., not Credit Suisse), relating to the Client's investments with CCMG, including email to accountants and auditors.
3. Records reflecting the dates and times that the Clients accessed their respective accounts, listing their investments in ARS, on the "Advent" website and/or the Credit Suisse Private Client Services brokerage website.
4. All documents reflecting the Client's investment policies, practices and procedures, including but not limited to investment policies, practices and procedures involving ARS, and the compensation arrangements for those employees tasked with investing the Client's cash reserves.

5. All documents relating to the Client's investments of their cash reserves with other financial institutions, including but not limited to investments in ARSs with institutions other than Credit Suisse.
6. In electronic form, all internal spreadsheets or other documents in which information regarding ARS, and the Client's transactions in ARS, were recorded, in original electronic form (with original metadata).
7. All audits including the Client's ARS holdings, including audits performed prior to August 7, 2007;
8. For the period January 2004 through January 31, 2008, all internal email communication relating to investment activity with Credit Suisse CCMG of these Roche employees, responsible for ARS investment with CCMG:
 - (i) Karl Rieder;
 - (ii) Mieke Luypaert;
 - (iii) Tobias Frey;
 - (iv) John Stout;
 - (v) George Burch;
 - (vi) Rikkert Versluis;
 - (vii) Steve Williams (from Rawlinson and Hunter);
 - (viii) Mark Bennett (from Rawlinson and Hunter); and
 - (ix) David Mooney (from Rawlinson and Hunter);including email between these individuals.
9. Trade confirmations, account statements and any other communications from Roche's custodian bank, UBS AG, relating to Roche's transactions in auction rate securities with Credit Suisse.

AO89 (Rev. 7/95) Subpoena in a Criminal Case

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

V.

SUBPOENA IN A
CRIMINAL CASE

JULIAN TZOLOV and ERIC BUTLER

Case Number: 08-370 (S-2) (JBW)

TO:

STMicroelectronics NV

- ☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below, or any subsequent place, date and time set by the court, to testify in the above referenced case. This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

PLACE United States District Court 225 Cadman Plaza East Brooklyn, New York 11210	COURTROOM 10B S DATE AND TIME
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- ☐ YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):

Please provide the documents and material set forth on the Subpoena Attachment, annexed hereto and incorporated herein.

So Ordered:

Ramon E. Reyes
United States District Judge

U.S. MAGISTRATE JUDGE OR CLERK OF COURT

ROBERT C. HEINEMANN

DATE

April 2, 2009

(By) Deputy Clerk



ATTORNEY'S NAME, ADDRESS AND PHONE NUMBER:

Paul T. Weinstein, Esq.
Emmet, Marvin & Martin, LLP
120 Broadway - 32nd Floor, New York, N.Y. 10271 Tel. (212) 238-3090

SUBPOENA ATTACHMENT – ST MICROELECTRONICS NV

A. Definitions

1. The term “document(s)” is defined to include, but not be limited to, all physical forms of correspondence, letters, transcripts, e-mails, minutes, telegrams, cables, tapes, recordings, films, memoranda, work papers, notes, drafts, press releases, diaries, statements, evaluations, ledgers, journals, notices, and any other writings, regardless of by whom prepared or to whom addressed and regardless of whether the document is an original or a copy or whether sent or received. The term “document(s)” shall also include any other form of reporting, storing, maintaining or indexing information including, but not limited to, electronic, computer, magnetic, microfilm or microfiche storage, shorthand notes, diagrams, magnetic cards, and all other forms of storage. Documents should be produced in the form in which they were maintained in the ordinary course of business.
2. Credit Suisse Securities (USA) LLC (“Credit Suisse”) is defined to include this entity’s employees, agents, attorneys, accountants, officers, directors, administrators, executors, parents, subsidiaries, affiliates, predecessors, successors, representatives, assigns and/or all persons or entities representing and/or purporting to act on behalf of this entity.
3. Credit Suisse Corporate Cash Management Group (“CCMG”) is defined as Eric Butler, Julian Tzolov, Jon Anderson, Leor Ceder, Christopher Ferguson, Justin Madden, Melinda Peacock, Sean Peck, Elliott Pool and Dolly Yuen, and any other Credit Suisse employee working with any of these individuals soliciting, buying or selling securities between November 1, 2003 and January 1, 2008.
4. ST Microelectronics NV (“ST Microelectronics” or “the Client”) is defined to include this entity’s employees, agents, attorneys, accountants, officers, directors, administrators, executors, parents, subsidiaries, affiliates, predecessors, successors, representatives, assigns and/or all persons or entities representing and/or purporting to act on behalf of this entity.

B. Items Requested

The documents sought in this Subpoena are, unless otherwise noted, for the period April 1, 2006 through January 2008, in original electronic form, where applicable:

- 1.

2. All documents constituting communications regarding the Client's business with CCMG, or relationship with Eric Butler or Julian Tzolov, including but not limited to records maintained by any department, group, committee or individual tasked with compliance, treasury, public relations or investment responsibilities for the Client, and including:
 - (a) all email showing receipt, review or consideration by the Client of the following documents, sent by or on behalf of Credit Suisse, identifying certain Auction Rate Securities ("ARS"):
 - (i) ARS auction rate calendars;
 - (ii) ARS inventory reports;
 - (iii) email confirmations of the purchase or sale of ARS;
 - (iv) official confirmations of the purchase or sale of ARS;
 - (v) Advent Reports setting out the Client's monthly transactions;
 - (vi) Official monthly statements of the Client's transactions; and
 - (vii) Prospectuses for ARS;
 - (b) all email between the Client's employees, or between a Client employee and a third party (i.e., not Credit Suisse), relating to the Client's investments with CCMG, including email to accountants and auditors.
3. Records reflecting the dates and times that the Client accessed its account(s), listing its investments in ARS, on the "Advent" website and/or the Credit Suisse Private Client Services brokerage website.
4. All documents reflecting the Client's investment policies, practices and procedures, including but not limited to investment policies, practices and procedures involving ARS, and the compensation arrangements for those employees tasked with investing the Client's cash reserves.
5. All documents relating to the Client's investments of their cash reserves with other financial institutions, including but not limited to investments in ARSs with institutions other than Credit Suisse.
6. In electronic form, all internal spreadsheets or other documents in which information regarding ARS, and the Client's transactions in ARS, were recorded, in original electronic form (with original metadata).

7. All audits including the Client's ARS holdings, including audits performed prior to August 7, 2007;
8. For the period January 2004 through January 31, 2008, all internal email communication relating to investment activity with Credit Suisse CCMG of these ST Microelectronics employees, responsible for ARS investment with CCMG:
 - (i) Giuseppe Notarnicola;
 - (ii) Giuseppe Amodio;
 - (iii) Joel Hamon;
 - (iv) Jean-Pierre Charmant;
 - (v) Giorgio Incognito;
 - (vi) Marie Segolene;
 - (vii) Emenuale Balconi;
 - (viii) Christina Brambilla;
 - (ix) Gerard Rondouinincluding email between these individuals.
9. Official transcript of all proceedings, including depositions and hearings, in connection with the FINRA Arbitration captioned ST Microelectronics N.V. v. Credit Suisse Securities (USA) LLC, FINRA Arb. No. 08-00512.

EXHIBIT B

SUBPOENA ATTACHMENT – ROCHE INTERNATIONAL LTD.

A. Definitions

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4. UBS AG (“UBS”) is defined to include this entity’s employees, agents, attorneys, accountants, officers, directors, administrators, executors, parents, subsidiaries, affiliates, predecessors, successors, representatives, assigns and/or all persons or entities representing and/or purporting to act on behalf of this entity.
5. Roche International Ltd. (a subsidiary of Roche Holding, and which, together with Roche International Ltd., is referred to herein as “Roche”) (collectively, “Roche” or “the Client”) is defined to include this entity’s employees, agents, attorneys, accountants, officers, directors, administrators, executors, parents, subsidiaries, affiliates, predecessors, successors, representatives, assigns and/or all persons or entities representing and/or purporting to act on behalf of this entity.

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B. Items Requested

The documents sought in this Subpoena are, unless otherwise noted, for the period September 1, 2006 through September 7, 2007, in original electronic form, where applicable:

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2. All documents constituting communications regarding the Client's business with CCMG, or relationship with Eric Butler or Julian Tzolov, including but not limited to records maintained by any department, group, committee or individual tasked with compliance, treasury, public relations or investment responsibilities for the Client, and including:
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3. Records reflecting the dates and times that the Clients accessed their respective accounts, listing their investments in ARS, on the "Advent" website and/or the Credit Suisse Private Client Services brokerage website.
4. All documents reflecting the Client's investment policies, practices and procedures, including but not limited to investment policies, practices and procedures involving ARS, and the compensation arrangements for those employees tasked with investing the Client's cash reserves.

Deleted: January 2003

Deleted: January 2008

Deleted: All documents reflecting communications between any employee of the Client and any employee of Credit Suisse CCMG, including but not limited to e-mails, correspondence, telephone records, notes, or memoranda (as set forth below, the subpoenas to Clients particularize the request for the email by setting forth a listing of specific employees of each Client).

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5. All documents relating to the Client's investments of their cash reserves with other financial institutions, including but not limited to investments in ARSs with institutions other than Credit Suisse.
6. In electronic form, all internal spreadsheets or other documents in which information regarding ARS, and the Client's transactions in ARS, were recorded, in original electronic form (with original metadata).
7. All audits including the Client's ARS holdings, including audits performed prior to August 7, 2007;
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 - (iii) Tobias Frey;
 - (iv) John Stout;
 - (v) George Burch;
 - (vi) Rikkert Versluis;
 - (vii) Steve Williams (from Rawlinson and Hunter);
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 - (ix) David Mooney (from Rawlinson and Hunter);

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including email between these individuals.

9. Trade confirmations, account statements and any other communications from Roche's custodian bank, UBS AG, relating to Roche's transactions in auction rate securities with Credit Suisse.

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EMM-Subpoena Attachment Roche2 FINAL

SUBPOENA ATTACHMENT – ST MICROELECTRONICS NVA. Definitions

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B. Items Requested

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1. _____

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EMM-Subpoena Attachment ST2 FINALDOC

2. All documents constituting communications regarding the Client's business with CCMG, or relationship with Eric Butler or Julian Tzolov, including but not limited to records maintained by any department, group, committee or individual tasked with compliance, treasury, public relations or investment responsibilities for the Client, and including:
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 - (vii) Prospectuses for ARS;
 - (b) all email between the Client's employees, or between a Client employee and a third party (i.e., not Credit Suisse), relating to the Client's investments with CCMG, including email to accountants and auditors.
3. Records reflecting the dates and times that the Client accessed its account(s), listing its investments in ARS, on the "Advent" website and/or the Credit Suisse Private Client Services brokerage website.
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7. All audits including the Client's ARS holdings, including audits performed prior to August 7, 2007;

8. For the period January 2004 through January 31, 2008, all internal email communication relating to investment activity with Credit Suisse CCMG of these ST Microelectronics employees, responsible for ARS investment with CCMG:

- (i) Giuseppe Notarnicola;
- (ii) Giuseppe Amodio;
- (iii) Joel Hamon;
- (iv) Jean-Pierre Charmant;
- (v) Giorgio Incognito;
- (vi) Marie Segolene;
- (vii) Emenuale Balconi;
- (viii) Christina Brambilla;

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(ix) Gerard Rondouin

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including email between these individuals.

9. Official transcript of all proceedings, including depositions and hearings, in connection with the FINRA Arbitration captioned ST Microelectronics N.V. v. Credit Suisse Securities (USA) LLC, FINRA Arb. No. 08-00512.

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Attachment.ST2.DOC

EMM-Subpoena Attachment ST2 FINALDOC

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- against -

JULIAN TZOLOV and ERIC BUTLER,

Defendants,

ORDER

Cr. No. 08-370 (S-3)(JBW)(RER, Jr.)

On January 29, 2009, the District Court (Weinstein, J.) issued subpoenas *duces tecum* pursuant to Rule 17(c) to ST Microelectronics NV (“ST Microelectronics”) and Roche International Ltd. (a subsidiary of Roche Holding, and which, together with Roche International Ltd., is referred to herein as “Roche”). Each entity is hereby ordered to accept service of the subpoena directed to it, as modified on April 2, 2009 (collectively, the “Subpoenas”), through its wholly owned United States-based subsidiaries; in the case of ST Microelectronics, ST Microelectronics, Inc. of Carrollton, Texas and and in the case of Roche, Hoffman-La Roche Inc., of Nutley, New Jersey. Each entity is further ordered to comply or move to quash those subpoenas within 10 days of service.

In the alternative, counsel for ST Microelectronics NV, Andrew Weissman, Esq. of the firm Jenner & Block LLP, and counsel for Roche are hereby ordered to accept substitute service of these Subpoenas on behalf of their respective clients, and to comply or move to quash within 10 days of service.

SO ORDERED.

Brooklyn, New York

April __, 2009

Ramon E. Reyes, Jr.
U.S.M.J.